

IN THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT
OF TEXAS MARSHALL DIVISION

ZOILA PAZ ORTEGA,

Plaintiff,

VS.

TRIUS TRUCKING, INC. AND
GABRIEL CUEVAS CASTRO

Defendants

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CIVIL ACTION NO: 2:20-cv-00069-RSP

FIRST AMENDED DOCKET CONTROL ORDER

The Court hereby orders the following schedule of deadlines and is in effect until further order of this Court:

<u>Original Deadline</u>	<u>Proposed Deadline</u>	<u>Event</u>
November 2, 2020		Jury Selection – 9:00 a.m. in Marshall, Texas before Judge Roy Payne
October 19, 2020		Pretrial Conference – 1:30 p.m. in Marshall, Texas before Judge Roy Payne
October 8, 2020		File Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations.
September 29, 2020		*Notify Deputy Clerk in Charge regarding the date and time by which juror questionnaires shall be presented to accompany by jury summons if the Parties desire to avail themselves the benefit of using juror questionnaires

October 1, 2020		<p>File Motions <i>in Limine</i></p> <p>The parties are ordered to meet and confer on their respective motions <i>in limine</i> and advise the court of any agreements in this regard by 1:00 p.m. three (3) business days before the pretrial conference. The parties shall limit their motions <i>in limine</i> to those issues which, if improperly introduced into the trial of the case would be so prejudicial that the court could not alleviate the prejudice with appropriate instruction(s).</p>
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October 1, 2020		<p>File Notice of Request for Daily Transcript or Real Time Reporting.</p> <p>If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.</p>
October 1, 2020		Serve Pretrial Objections
September 17, 2020		Serve Pretrial Disclosures
September 17, 2020		Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV-56.
September 3, 2020		Deadline for Filing Dispositive Motions and any other motions that may require a hearing; including <i>Daubert</i> motions.
September 3, 2020		Defendant to Identify and Give Notice of Trial Witnesses
August 27, 2020		Plaintiff to Identify and Give Notice of Trial Witnesses
August 20, 2020		File Response to Amended Pleadings

August 20, 2020	September 21,	Mediation to be completed
August 6, 2020		File Amended Pleadings (It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after the amended pleadings date set forth herein.)
July 30, 2020	August 31, 2020	Discovery Deadline
July 23, 2020	August 24, 2020	Defendant to designate Expert Witnesses Expert witness report due Refer to Local Rules for required information

July 23, 2020	August 24, 2020	Deadline to File Motions to Compel Regarding Discovery Disputes.
July 9, 2020	August 10, 2020	Plaintiff to Designate Expert Witnesses Expert witness report due Refer to Local Rules for required information
July 9, 2020	August 10, 2020	Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).

OTHER LIMITATIONS

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. *See* Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
 - (a) The fact that there are motions for summary judgment or motions to dismiss pending;
 - (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or

was made as a special provision for the parties in the other case;

- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.
- 4. Mediation shall be attended, in person, by named parties (if an individual) or by a fully authorized representative (if not an individual) and by lead counsel. Third party insurance carriers who may be obligated to indemnify a named party and/or who owe a defense to any party shall also attend mediation, in person, by means of a fully authorized representative. Non-compliance with these directives shall be considered an intentional failure to mediate in good faith.
- 5. Any motion to alter any date on the DCO shall take the form of motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

SIGNED this 12th day of June, 2020.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE